

NOTICE OF EMPLOYEE WHISTLEBLOWER RIGHTS RELATING TO FEDERAL FUNDING

Sample Exhibit 1

527.1-
Exhibit

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{Section 4712 of Title 41 of the United States Code requires each school district that receives federal funding (e.g., special education, Title I, child nutrition program, etc.) to inform their employees in writing of the rights and remedies provided under that federal statute. The notice requirement is repeated in 2 C.F.R. §200.217. This exhibit provides sample language for this employee notice. This sample exhibit can be used either with or without also adopting a board policy on the topic of employee whistleblower rights under PRG topic 527.1.}

IMPORTANT: Beyond stating that the notice needs to be in writing, neither the federal statute nor the related federal regulation specifies a particular method or frequency for giving the notice. The WASB recommends including the notice in the district's employee handbook. Other methods (e.g., creating a posting that is placed in all work locations where the district posts other mandatory employment notices) may also be acceptable. By itself, maintaining an exhibit in the district policy manual might not be sufficient.}

NOTICE OF EMPLOYEE WHISTLEBLOWER RIGHTS RELATING TO FEDERAL FUNDING RECEIVED BY THE SCHOOL DISTRICT

Various state and federal laws offer District employees protection from retaliation, discrimination, coercion, or other reprisals for engaging in specific protected activity that advances the public interest in good government, health and safety, and nondiscrimination. These laws are sometimes referred to as whistleblower protections or nonretaliation provisions. The District is committed to adhering to and enforcing all such applicable legal protections.

As a recipient of funding from various federal sources, the District is required to provide employees with notice of whistleblower protections that apply to employees of recipients of federal awards, federal grants, or federal contracts. Specifically, under section 4712 of Title 41 of the United States Code, no District employee may be discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure of information that the employee reasonably believes is (1) evidence of gross mismanagement of a federal contract or grant, (2) a gross waste of federal funds, (3) an abuse of authority relating to a federal contract or grant, (4) a substantial and specific danger to public health or safety, or (5) a violation of a law, rule, or regulation related to a federal grant or a federal contract (including the competition for or negotiation of a contract). Section 4712 expressly covers and protects disclosures of such information to any of the following:

1. A management official or other employee of the School District who has the responsibility to investigate, discover, or address such misconduct. Examples of such management officials include [insert title(s) of key positions—e.g., “the District Administrator, the Executive Director of Operations, the Director of Business Services, and, within their respective programmatic or operational area, **and** the Director of Special Education **and** the Food Services Director.”] **{Editor’s Note: The second sentence providing the examples can be treated as optional.}**
2. A federal employee responsible for contract or grant oversight or management at the relevant agency.

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3. An authorized official of the U.S., Department of Justice or other law enforcement agency.
4. A member of Congress or a representative of a committee of Congress.
5. A federal Inspector General (e.g., the Inspector General of a federal executive agency).
6. The federal Government Accountability Office.
7. A court or grand jury, including providing evidence of misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a federal contract or grant.

If a District employee believes that they have been subjected to a reprisal prohibited by section 4712, the employee may submit a complaint to the Inspector General of the federal executive agency that is responsible for the relevant federal funding or federal contract. The federal agency and the agency's Inspector General have authority to investigate such complaints and provide appropriate remedies (including but not limited to compensatory damages) for substantiated complaints.

[Insert if desired: "In providing specific notice of the rights and remedies established under section 4712, as described above, the District is in no way diminishing other whistleblower and nonretaliation rights and protections that are provided under other laws and/or under District policies."] *[Insert if desired: "For additional information about employee whistleblower protections and nonretaliation rights, refer to the following Board Policies: [Insert a list of relevant local policies]."]*

Adoption Date: